

22

Rights of the Child
Cearta an Pháiste

22 Rights of the Child

Children's Rights have come to the fore of Irish policy development in recent years, most particularly since Ireland ratified the United Nations Convention on the Rights of the Child (UNCRC) (UN, 1989) and developed a response to its implementation in the form of the National Children's Strategy (DHC, 2000a). The establishment of the Children's Rights Alliance has also ensured that this important topic remains high on the policy and practice agenda for ECCE.

Rights of the Child is one of the national Standards of *Síolta* and is represented within the Second Edition of the Audit of Research by 59 publications. These have been listed within the following two sub-themes:

- Children's Rights – Policy and Practice [48]
- Children's Voices and Participation [11]

Children's Rights – Policy and Practice

The larger sub-theme relates to Children's Rights – Policy and Practice. Barnardos (2002b) and the DHC (2001b) documented the proceedings of the World Forum for Children in 2001 from an Irish perspective. Brennan and McCormack (2004), the Council for Social Welfare (1991), the Department of Foreign Affairs (1996), the National Children's Office (2005b), Uí Ainín (2004a) and the United Nations (1998) have produced commentary and reports relating to Ireland's commitments and actions under the UNCRC (UN, 1989). The Children's Rights Alliance have produced a number of submissions and reports relating directly to Ireland's implementation of the provisions of the UNCRC (Children's Rights Alliance, 1997; 1998; 2000; 2006b) and to campaign for increased funding for children at a national level (Children's Rights Alliance, 2002; 2005). It has also been instrumental in informing policy at a national level through a number of submissions (Children's Rights Alliance, 2003a; 2003b). The publication of the National Children's Strategy (DHC, 2000a; 2000b; 2000c; 2000d; 2000e; 2000f) has proved a major milestone in the promotion of the rights of the child in Ireland, and this document has been analysed by Pinkerton (2001). The establishment of the office of the Ombudsman for Children (Butler Scally, 2004; DHC, 2002c; 2002d) also represents another step forward in advancing children's rights in Ireland, and Martin (2004) has examined the operation

Ceartha an Pháiste

Tugadh tosaíocht do Chearta an Pháiste i bhforbairt beartais na hÉireann le blianta beaga anuas, go háirithe ó dhaingnigh Éire Coinbhinsiún na Náisiún Aontaigh ar Chearta an Linbh (UNCRC) (UN, 1989) agus d'fhreagair siad dá chur i bhfeidhm leis an Straitéis Náisiúnta Leanaí (DHC, 2000a). Le bunú an Chomhaontais um Chearta Leanaí, rinneadh cinnte go mbíonn an t-ábhar tábhachtach seo i gcónaí chun tosaigh ar an gclár oibre beartais agus cleachtas do COLO.

Tá Ceartha an Pháiste ar cheann de na sé Chaighdeán náisiúnta déag de *Síolta* agus tá 59 foilseachán ina leith sa Dara hEagrán den Iniúchadh Taighde. Liostaíodh iad faoin dhá fhothéama seo a leanas:

- Ceartha Leanaí – Beartas agus Cleachtas [48]
- Glóir agus Rannpháirteachas Leanaí [11]

Ceartha Leanaí – Beartas agus Cleachtas

Baineann an fo-théama níos mó le Ceartha Leanaí – Beartas agus Cleachtas. Thairfead Barnardos (2002b) agus an DHC (2001b) imeachtaí an Fhórait Dhomhanda do Leanaí i 2001 ó pheirspectíocht na hÉireann. D'eisigh Brennan agus McCormack (2004), an Chomhairle Leasa Shóisialaigh (1991), an Roinn Gnóthaí Eachtracha (1996), an Oifig Náisiúnta Leanaí (2005b), Uí Ainín (2004a) agus na Náisiúin Aontaithe (1998) tráchtairacht agus tuairiscí a bhaineann le tiomantais agus gníomhartha Éireann faoi UNCRC (UN, 1989). Tháirg an Comhaontas um Chearta an Linbh roinnt aighneas agus tuairiscí a bhaineann go díreach le cur i bhfeidhm fhorálacha UNCRC in Éirinn (an Comhaontas um Chearta an Linbh, 1997; 1998; 2000; 2006b) agus chun iarratas a dhéanamh ar mhaoiniú breise do leanaí ag leibhéal náisiúnta (an Comhaontas um Chearta an Linbh, 2002; 2005). Chabhraigh roinnt aighneas a rinne an Comhaontas le beartas ag leibhéal náisiúnta a threorú freisin (an Comhaontas um Chearta an Linbh, 2003a; 2003b). Bhí foilsiú na Straitéise Náisiúnta Leanaí (DHC, 2000a; 2000b; 2000c; 2000d; 2000e; 2000f) mar chéim mhór chun tosaigh i gcur chun cinn chearta an linbh in Éirinn, agus rinne Pinkerton (2001) anailís ar an gcáipéis seo. Léiríonn bunú oifig an Ombudsman do Leanaí (Butler Scally, 2004; DHC, 2002c; 2002d) céim mhór eile chun tosaigh maidir le cearta leanaí a chur chun cinn in Éirinn, agus scrúdaigh Martin (2004) feidhmiú

of this important role. Overviews of the legal status of the child in Ireland have been detailed by a number of commentators, including Hayes (2001b; 2002a), Kilkelly (2006), Lynch (1998), Martin (2000; 2006), Richardson (2001) and Shannon (1999; 2000; 2001). A specific focus on the rights of refugee and asylum seeker children (Stapleton and Fanning, 2002) and children in care (Western Health Board, 2001) has also been researched in the Irish context.

an róil thábhachtaigh sin. Thug roinnt tráchtairí, lena n-áirítear Hayes (2001b; 2002a), Kilkelly (2006), Lynch (1998), Martin (2000; 2006), Richardson (2001) agus Shannon (1999; 2000; 2001) forbheathnú ar stádas dlíthiúil an linbh in Éirinn. Rinneadh taighde le fócas sonrach ar chearta leanaí teifeach agus an lucht a iarrtha tearmainn (Stapleton agus Fanning, 2002) agus leanaí faoi chúram (Bord Sláinte an Iarthair, 2001) i gcomthéacs na hÉireann freisin.

Barnardos (2002b). *World Forum 2001 Proceedings: The Children's Agenda – Familiar Issues, Emerging Concerns*. Dublin: Barnardos' National Children's Resource Centre.

Brennan, C. and McCormack, M. (2004). *The Right to Play – Submission to the UN Convention on the Rights of the Child 2004*. Dublin: IPPA, the Early Childhood Organisation.

Butler Scally, D. (2004). *Report on the Selection Processes for the Appointment of the Irish Ombudsman for Children*. Dublin: Public Appointments Service.

Children's Rights Alliance (1997). *Small Voices - Vital Rights: Submission to the United Nations Committee on the Rights of the Child*. Dublin: Children's Rights Alliance.

Children's Rights Alliance (1998). *Children's Rights: Our Responsibilities. Concluding Observations of the United Nations Committee on the Rights of the Child Following Examination of the First National Report of Ireland on the Implementation of the Convention of the Rights of the Child*. Dublin: Children's Rights Alliance.

Children's Rights Alliance (2000). *A Country is Judged on how it Treats its Children – An Information Pack on the Importance of the UN Convention on the Rights of the Child*. Dublin: Children's Rights Alliance.

Children's Rights Alliance (2001). *National Children's Strategy: Goals and Commitments*. Dublin: Children's Rights Alliance.

Children's Rights Alliance (2002). *Pre-Budget Submission 2003: Put Children First*. Dublin: Children's Rights Alliance.

Children's Rights Alliance (2003a). *Submission to the Department of Education and Science in relation to the Education for Persons with Disabilities Bill 2002*. Dublin: Children's Rights Alliance.

Children's Rights Alliance (2003b). *Children's Rights Alliance Submission to the Joint Committee on Education and Science in relation to the Education for Persons with Disabilities Bill 2003*. Dublin: Children's Rights Alliance.

Children's Rights Alliance (2005). *Children's Rights Alliance – Pre-Budget Submission*. Dublin: Children's Rights Alliance.

Children's Rights Alliance (2006a). *All Our Children – Child Impact Assessment for Irish Children of Migrant Parents*. Dublin: The CADIC Coalition.

Children's Rights Alliance (2006b). *From Rhetoric to Rights: Second Shadow Report to the United Nations Committee on the Rights of the Child*. Dublin: Children's Rights Alliance.

Council for Social Welfare (Ed.) (1991). *The Rights of the Child. Irish Perspectives on the United Nations Convention*. Dublin: Council for Social Welfare.

Cousins, M. (1996). *Seen and Heard - Promoting and Protecting Children's Rights in Ireland*. Dublin: Children's Rights Alliance.

Department of Foreign Affairs (1996). *United Nations Convention on the Rights of the Child. First Annual Report of Ireland*. Dublin: The Stationery Office.

Department of Health and Children (1997c). *Promoting and Protecting the Rights of Children*. Dublin: The Stationery Office.

Department of Health and Children (2000a). *The National Children's Strategy. Our Children-Their Lives*. Dublin: The Stationery Office.

Department of Health and Children (2000b). *The National Children's Strategy. Our Children-Their Lives: Executive Summary*. Dublin: The Stationery Office.

Department of Health and Children (2000c). *The National Children's Strategy. Our Children-Their Lives. Report of the Public Consultation*. Dublin: The Stationery Office.

Department of Health and Children (2000d). *The National Children's Strategy. Our Children-Their Lives. Report of the Public Consultation: Executive Summary*. Dublin: The Stationery Office.

Department of Health and Children (2000e). *The National Children's Strategy. Our Children-Their Lives. Report to Children on the Public Consultation*. Dublin: The Stationery Office.

Department of Health and Children (2000f). *The National Children's Strategy. Our Children-Their Lives: Children's Version*. Dublin: The Stationery Office.

Department of Health and Children (2001b). *National Report on the Follow-up to the World Summit for Children*. Dublin: The Stationery Office.

Department of Health and Children (2002c). *Ombudsman for Children Bill*. Dublin: The Stationery Office.

Department of Health and Children (2002d). *Ombudsman for Children Act*. Dublin: The Stationery Office.

Flanagan, F. (2002). Janusz Korczak and the Problem(s) of Childhood. *Irish Educational Studies*, Volume 21, No. 1, Spring 2002, pp. 47-62.

Hayes, N. (2001b). Cherishing all the Children of the Nation Equally: State Provision and Responsibility for Children in Ireland (in) Cleary, A., Nic Ghiolla Phádraig, M. and Quin, S. (Eds.) (2001a). *Understanding Children, Volume 1: State, Education and Economy*. Dublin: Oak Tree Press, pp. 3-20.

Hayes, N. (2002a). *Children's Rights - Whose Right? A Review of Child Policy Development in Ireland. Studies in Public Policy 9*. Dublin: The Policy Institute at Trinity College Dublin.

Irish Society for the Prevention of Cruelty to Children (1997a). *Act Now for Children*. (Samples of ISPC Campaigns and Advocacy Work Involving Children). Dublin: Irish Society for the Prevention of Cruelty to Children.

Irish Society for the Prevention of Cruelty to Children (1997d). *Mo Chuid Cearta/ My Rights*. Dublin: Irish Society for the Prevention of Cruelty to Children.

Kilkelly, U. (2006). Children's Rights: An Early Years Perspective. Paper presented at the OMEP (Ireland) Annual Research Conference, *In Celebration of Difference in the Early Years*, University College Cork, April 2006.

Lynch, K. (1998). The Status of Children and Young Persons: Educational and Related Issues (in) Healy, S. and Reynolds, B. (Eds.) (1998). *Social Policy in Ireland - Principles, Practice and Problems*. Dublin: Oak Tree Press, pp. 321-354.

Martin, F. (2000). *The Politics of Children's Rights*. Cork: Cork University Press/ Undercurrents Series.

Martin, F. (2004). The Ombudsman for Children – An Analysis of the Strengths and Weaknesses of the Irish Model. *Administration*, Volume 52, No. 1, Spring 2004, pp. 46-68.

Martin, F. (2006). Judges, Parents and the Child: Where is the Child in this Hierarchy? Paper presented at the OMEP (Ireland) Annual Research Conference, *In Celebration of Difference in the Early Years*, University College Cork, April 2006.

Maunsell, C. (2005). Irish Student Teachers' Understanding and Perceptions of Human Rights Education: The Implications for Early Childhood Education. Paper presented at the EECERA Conference, *Young Children as Citizens: Identity, Belonging, Participation*, Dublin, August/ September 2005.

National Children's Office (2005b). *United Nations Convention on the Rights of the Child – Ireland's Second Report to the UN Committee on the Rights of the Child*. Dublin: The Stationery Office.

Pinkerton, J. (2001). Ireland's National Children's Strategy – An Inside Outsider's View: Policy Review. *Children and Society*, Volume 15, No. 2, pp. 118-121.

Richardson, V. (2001). Legal and Constitutional Rights of Children in Ireland (in) Cleary, A., Nic Ghiolla Phádraig, M. and Quin, S. (Eds.) (2001a). *Understanding Children, Volume 1: State, Education and Economy*. Dublin: Oak Tree Press, pp. 21-44.

Shannon, G. (1999). Children in the Legal Process. Paper presented at the *Children at Risk in Ireland* Anniversary Conference, October 1999.

Shannon, G. (2000). *Children and the Law: Papers of Continuing Legal Education Seminar*. Dublin: Blackhall Place.

Shannon, G. (2001). *European Convention on Human Rights Bill, 2001 and Child Law*. Paper presented to the Family Law Conference, Dublin, September, 2001.

Stapleton, J. and Fanning, B. (2002). Refugee and Asylum Seeking Children in Ireland: A Rights Based Approach (in) Schonfeld, H. (Ed.) (2002). *Diversity in Early Childhood: A Collection of Essays*. Dublin: Barnardos' National Children's Resource Centre, pp. 24-43.

Uí Ainín, M. (2004a). Coinbhinsiún na Náisiún Aontaithe um Chearta an Linbh (in) Uí Ghrádaigh, D. (Eag.) (2004). *Cúnamh: Tacábhar Cúram Leanaí 0 – 6*. Baile Átha Cliath: Forbairt Naíonraí Teo, pp. 11-16.

United Nations (1989). *United Nations Convention on the Rights of the Child, Adopted by the United Nations General Assembly, 20th November 1989. (Ratified by Ireland, September 1992)*. Geneva: United Nations.

United Nations (1998). *United Nations Convention on the Rights of the Child. Concluding Observations of the Committee on the Rights of the Child: Ireland 04/02/98. CRC/C/15/Add.85. (Concluding Observations/ Comments)*. Geneva: United Nations.

Western Health Board (2001). *Charter of Rights for Children and Young People in Care*. Galway: Western Health Board.

Whyte, J. and Smyth, C. (2004). *ISPCC Childline Service – A Review*. Dublin: Children's Research Centre.

Children's Voices and Participation

Documenting the impact of Children's Voices and Participation in Irish society has formed the subject of a small but growing nucleus of research. Donnelly (2006) and Kilkelly and Donnelly (2006) documented the right and strategies for the voice of the child to be heard

Glóir agus Rannpháirteachas Leanaí

Tá líon beag taighde a dhéanann cur síos ar thionchar Glóir agus Rannpháirteachas Leanaí ar shochaí na hÉireann ach tá líon an taighde sin ag dul i méid. Rinne Donnelly (2006) agus Kilkelly agus Donnelly (2006) cur síos ar cheart an linbh a dtuairimí a chur in iúl agus straitéisí

in various contexts. The Guardian Ad Litem Group (2001) make the case for the independent representation of children to ensure their voice is heard in society. Insights into children's participation in the policymaking process in Ireland have been provided by Hayes (2004b) and Kilkelly (1997). The Irish Society for the Prevention of Cruelty to Children (1997b; 1997c) published samples of campaigns and models they employed to promote the voices of young children in Ireland. Whyte (2005a) examined the ethical and other issues for children participating in research and the development of policy in Ireland.

chun tuairimí an linbh a chur san áireamh i gcomhthéacsanna éagsúla. Molann an Guardian Ad Litem Group (2001) ionadaíocht neamhspleách a dhéanamh ar leanaí chun a chinntiú go n-éistean an tsochaí leo. Tugann Hayes (2004b) agus Kilkelly (1997) léargas faoi rannpháirteachas leanaí sa phróiseas déanta beartais in Éirinn. Foilsíonn Cumann na hÉireann um Chosaint Leanaí (1997b; 1997c) eiseamláirí feachtas agus samhaltacha a d'úsáid siad chun glóir leanaí óga a chur chun cinn in Éirinn. Rinne Whyte (2005a) scrúdú ar shaincheisteanna eiticíúla agus eile do leanaí a ghlacann páirt sa taighde agus i bhforbairt beartais in Éirinn.

Donnelly, P. (2006). Democratic Teaching: Young Children Finding Voice. Paper presented at the EECERA Conference, *Democracy and Culture in Early Childhood Education, Iceland, August/ September 2006*.

Guardian Ad Litem Group (2001). *Giving Children a Voice: The Case for the Independent Representation of Children*. Dublin: Report of the Guardian Ad Litem Group.

Harris, E. (2006). *My Right to Know: A Study of Children and Young People's Awareness of their Rights, Fourteen Years on from Ireland's Ratification of the UN Convention on the Rights of the Child*. Dublin: Irish Society for the Prevention of Cruelty to Children.

Hayes, N. (2004b). Children's Rights: Participation of Children in Policy-making in Ireland (in) Crimmens, D. and West, A. (Eds.) (2004). *Having their Say. Young People and Participation: European Experiences*. Lyme Regis: Russell House Publishing, pp. 47-58.

Irish Society for the Prevention of Cruelty to Children (1997b). *Asking Children*. (Samples of ISPCC Campaigns and Advocacy Work Involving Children). Dublin: Irish Society for the Prevention of Cruelty to Children.

Irish Society for the Prevention of Cruelty to Children (1997c). *Making Children's Voices Heard*. (Samples of ISPCC Campaigns and Advocacy Work Involving Children). Dublin: Irish Society for the Prevention of Cruelty to Children.

Kilkelly, U. (1997). *Small Voices, Vital Rights*. Dublin: Children's Rights Alliance.

Kilkelly, U. and Donnelly, M. (2006). *The Child's Right to be Heard in the Healthcare Setting: Perspectives of Children, Parents and Health Professionals – The National Children's Strategy Research Series*. Dublin: Office of the Minister for Children.

Maloney, M. (2005). Children's Identity and Participation. Paper presented at the EECERA Conference, *Young Children as Citizens: Identity, Belonging, Participation*, Dublin, August/ September 2005.

Whyte, J. (2005a). Are there Issues Around Participation for Young Children? A Review. Paper presented at the EECERA Conference, *Young Children as Citizens: Identity, Belonging, Participation*, Dublin, August/ September 2005.